

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated March 24, 2008. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-9 and 11-20 are currently pending in the Application. Claim 10 is canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

In the Final Office Action, claim 8 is rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 8-17 are also rejected under 35 U.S.C. §101. Without agreeing with the Examiner, and to advance prosecution and expedite allowance of the present application, claim 8 has been amended to clarify that the system comprises a processor configured to determine ... and schedule processing ... No new matter is added by this amendment nor should further search be required since claim 8 and claim 18 for that matter is amended to include similar subject matter as previously

searched regarding claim 1. Accordingly, withdrawal of these rejections to claims 8-17 is respectfully requested.

Claims 18-20 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,195,701 to Kaiserswerth ("Kaiserswerth"). Claims 1, 3-5, 8-10 and 12-17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kaiserswerth in view of U.S. Patent No. 6,178,542 to Dave ("Dave"). Claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kaiserswerth in view of Dave in further view of U.S. Patent No. 6,374,405 to Willard ("Willard"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-9 and 11-20 are allowable over Kaiserswerth alone and in view of Dave alone and in view of Willard for at least the following reasons.

It is undisputed that Kaiserswerth does not disclose or suggest "scheduling only the schedulable component that can contribute at the total earliest time to the output of said real time system." (See, Final Office Action, page 6, lines 8-10.)

Dave is cited to cure this deficiency in Kaiserswerth but it is respectfully submitted that reliance on Dave is misplaced. In Dave, tasks have an earliest start time and period and a deadline

(see, Col. 5, lines 63-66). "Tasks and edges are scheduled based on deadline-based priority levels ..." (See, Col 6, lines 47-48.) In Dave, "[t]o determine the order of scheduling, the algorithm prioritizes tasks and edges based on the decreasing order of their priority levels." (See, Col. 12, lines 2-5.) In Dave, it is only "[i]f two tasks (edges) have equal priority levels then the algorithm schedules the task (edge) with the shorter execution (communication) time first" (see, Col. 12, lines 4-6), regardless of which component can contribute to an earliest time to an output. Accordingly, in Dave, tasks that are assignable are assigned based on priority unless two tasks have the same priority in which case, the task with the shortest execution time is selected.

Accordingly, the method of claim 1 is not anticipated or made obvious by the teachings of Kaiserswerth alone and in view of Dave. For example, Kaiserswerth alone and in view of Dave does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "scheduling only the schedulable component that can contribute at the total earliest time to the output of said real time system" as recited in claim 1, and as similarly recited by each of claims 8 and 18. Willard is cited for allegedly showing different features and does

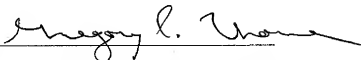
not cure the noted deficiencies of Kaiserswerth alone and in view of Dave.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 8 and 18 are patentable over Kaiserswerth alone and in view of Dave and notice to this effect is earnestly solicited. Claims 2-7, 9, 11-17 and 19-20, respectively depend from one of claims 1, 8 and 18 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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